

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

-----X
SID BAILEY and LESLIE LYKEN,

Plaintiffs,

-against-

MORGAN PAIGE DEILY and MARY ANN
DEILY,

Defendants.
-----X

NOT FOR PUBLICATION
MEMORANDUM & ORDER
15-CV-3517 (CBA) (JO)

AMON, United States District Judge:

On June 17, 2015, plaintiffs Sid Bailey and Leslie Lyken filed this action against defendants Morgan Paige Deily and Mary Ann Deily for personal injuries resulting from an accident allegedly caused by the Deilys' negligence. (D.E. # 1.) On October 16, 2015, the Honorable James Orenstein, United States Magistrate Judge, issued an Order noting that plaintiffs had not filed proof of timely service and directing plaintiffs to file proof of such service by October 23, 2015. (D.E. dated Oct. 16, 2015.) After plaintiffs failed to comply with this Order, Magistrate Judge Orenstein issued an Order to Show Cause directing plaintiffs to show cause in writing why the case should not be dismissed for failure to prosecute. (D.E. dated Oct. 26, 2015.) Plaintiffs failed to respond to that Order and on February 5, 2016, Magistrate Judge Orenstein issued a Report and Recommendation ("R&R") recommending that this Court dismiss this action for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). To accept those portions of the R&R to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." Jarvis v. N. Am. Globex Fund,

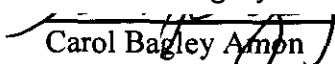
L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted).

The Court has reviewed the record and, finding no clear error, hereby adopts Magistrate Judge Orenstein's R&R as the opinion of the Court. Accordingly, plaintiffs' complaint is dismissed without prejudice.

SO ORDERED.

Dated: July 22, 2016
Brooklyn, New York

s/Carol Bagley Amon


Carol Bagley Amon
United States District Judge